

**BEFORE THE NEW HAMPSHIRE
RESPIRATORY CARE PRACTITIONERS GOVERNING BOARD
OFFICE OF LICENSED ALLIED HEALTH PROFESSIONALS
CONCORD, NEW HAMPSHIRE**

In The Matter Of:

Docket #04-2012

Kerrie Ramsey, RCP

Adjudicatory Proceeding

FINAL DECISION AND ORDER

Before the New Hampshire Respiratory Care Practitioners Governing Board (“Board”) is an adjudicatory/disciplinary proceeding in the Matter of Kerrie A. Ramsey (“Ms. Ramsey” or Respondent”) in docket number 04-2012.

Background information:

The Board received information that the Respondent placed a “stop payment” on a check she had tendered to the Board for licensure and that she had failed to respond to Board inquiries. On June 14, 2012, the Board issued a Notice of Hearing. This hearing occurred at the Board’s regularly scheduled July 2012 meeting.

On Thursday, July 12, 2012, the Board commenced the adjudicatory/disciplinary hearing in the above captioned matter. Board members present¹ were:

Robert G. Fishwick, RCP, Chair and Presiding Officer

Richard W. Mozier, Jr., RCP

Douglas Hall, RCP

Luann Udell, Public Member

Jeffrey T. Reisert, D.O.

¹ These same Board members also deliberated and voted on this Final Decision and Order.

The prosecution was represented by Hearing Counsel, Assistant Attorney General Sarah T. Blodgett of the Administrative Prosecutions Unit "APU" of the Office of the Attorney General. Ms. Ramsey appeared pro se.

The following exhibits were introduced into evidence and accepted into the record:

- Hearing Counsel's exhibits: 1-6
- The Respondent's exhibits: none.

Findings of Fact:

1. The New Hampshire Respiratory Care Practitioners Board ("Board") first granted a license to practice respiratory care in the State of New Hampshire to Kerrie Ramsey, RCP on May 17, 1999. Respondent holds license number 0687.

2. The Respiratory Care Practitioners Governing Board practice act is found in RSA chapter 326-E and RSA chapter 328-F. The statutes on renewals state in relevant part:

* "Initial licenses and renewals shall be valid for 2 years." RSA 328-F:19, I.

* "Licenses issued pursuant to RSA 326-E [Respiratory Care Practitioners licenses] shall expire in odd-numbered years." RSA 328-F:19, I.

* "Applicants shall submit completed applications for renewal on or before December 1 of the renewal year. Completed renewal applications submitted between December 2 and December 31 of the renewal year shall be accompanied by a late filing fee." RSA 328-F:19, III.

Pursuant to the Board's administrative rules, the filing fee for renewal is \$110. Ahp 301.02. The late filing fee for renewal is an additional \$110. Ahp 301.02.

3. On or about December 28, 2011, the Board received a 2011 Renewal Application from Respondent, together with Respondent's personal check for \$220 to cover the renewal fee and late fee.

4. On or about January 23, 2012, the Board received notice that Respondent's personal check had been returned to the State of New Hampshire because Respondent had placed a "stop payment" on the check.

5. On or about February 6, 2012, the Board wrote to Respondent, at the address provided by Respondent, requesting the original renewal and late fees of \$220 plus bank fee incurred by the Board in the amount of \$33, for a total of \$253. See RSA 6:11-a, I. Respondent did not reply to the Board's February 6, 2012 letter.
6. On or about February 22, 2012, the Board again wrote to Respondent, at the address provided by Respondent, this time by certified mail, return receipt requested, to again request payment. On or about February 28, 2012, the Board received a U.S. Postal Service Return Receipt indicating that its February 22, 2012 letter had been received at the address given by Respondent. Respondent did not reply to the Board's February 22, 2012 letter.
7. On or about May 7, 2012, the APU, at the behest of the Board, wrote to Respondent, giving her a deadline of May 18, 2012 to respond. Respondent did not respond to the May 7, 2012 letter.

Rulings of Law:

Based on the testimony heard at the hearing, and the fact that Ms. Ramsey did not dispute the allegations as outlined, the Board finds the following:

1. On or about January 18, 2012 the Respondent engaged in professional misconduct by issuing a stop payment on the check for her license renewal, in violation of RSA 328-F:23, II (a); and/or 328-F:23, II (j); and/or Resp 402.03 (c).
2. On or between January 18, 2012 and June 8, 2012, Respondent engaged in professional misconduct by obtaining a license to practice respiratory care pursuant to deceptive measures, in violation of RSA 328-F:23, II (a); and/or RSA 328-F:23, II (j); and/or Resp 402.03 (c); and/or Resp 502.01; and/or Resp 502.02; and/or the first and/or eleventh points of The American Association for Respiratory Care, Statement of Ethics and Professional Conduct (“AARC Statement”).
3. On or between February 8, 2012 and June 8, 2012, Respondent engaged in professional misconduct by failing to respond to various requests to pay her licensing fee, in violation of RSA 328-F:23, II (a).
4. On or between December 28, 2011 and June 8, 2012, Respondent committed professional misconduct by failing to notify the Board of her current mailing address, in violation of RSA 328-F:23, II (j); and/or Resp 408.01(a).

Conclusion:

For the reasons stated above, and authorized by RSA 328-F:23, the Respondent's license is **REVOKED.**

THEREFORE IT IS ORDERED the Respondents license is retroactively revoked to the date of January 23, 2012 – the date the Board's office received notice of the 'stop payment' on the check. Immediately following the hearing, the Respondent voluntarily – meaning of her own accord - surrendered the physical license card to Traci Weber, Executive Secretary.

IT IS FURTHER ORDERED that the Respondent shall pay the **thirty three dollars (\$33.00)** assessed due to the fact that she Stopped Payment of the renewal/late fee check. Payment must be made by certified check or money order no later than 30 days from the date this order is signed and made payable to "Treasurer, State of New Hampshire," and delivered to the Board's office at 2 Industrial Park Drive, Concord NH 03301.

IT IS FURTHER ORDERED that pursuant to RSA 328-F:23, V, the Respondent must fully satisfy any condition contained in this order before the New Hampshire Board will consider the reinstatement of a respiratory care practitioner license to the Respondent.

IT IS FURTHER ORDERED that a copy of this order shall be mailed to the last home address provided by the Respondent by regular first class mail. At the Board office's discretion it may also be mailed via certified mail, return receipt requested.

IT IS FURTHER ORDERED that this Order shall become a permanent part of the Respondent's file and that the New Hampshire Respiratory Care Practitioners Governing Board and the New Hampshire Office of Licensed Allied Health Professionals shall maintain this Order as a public document, including but not limited to reporting the NH Board's actions taken herein to the Healthcare Integrity and Protection Data Bank ("HIP-DB"), National Board of Respiratory Care, and to any state regulatory licensing board in which Respondent currently holds or has ever held a license.

*N.H. Respiratory Care Practitioners Governing Board
In the Matter of Kerrie Ramsey, RCP
Decision and Order*

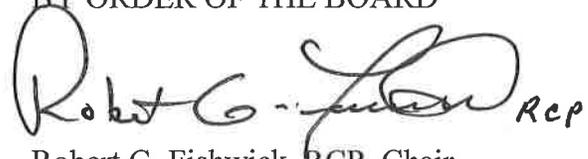
IT IS FURTHER ORDERED that the burden of proof for establishing compliance with this order shall be on the Respondent. The Respondent shall bear all costs of payment and reporting required by this order, but she shall be permitted to share costs with third parties.

IT IS FURTHER ORDERED that the Respondent's failure to comply with any terms or conditions imposed by this order shall constitute unprofessional misconduct pursuant to RSA 328-F:23, II, and a separate and sufficient basis for further disciplinary action against her.

IT IS FURTHER ORDERED, that this order shall take effect as an order of the New Hampshire Board of Respiratory Care Practitioners on the date an authorized representative of the Board signs it.

Date: 8/9/2012

BY ORDER OF THE BOARD

A handwritten signature in black ink, appearing to read "Robert G. Fishwick RCP". The signature is written in a cursive style with a large initial "R".

Robert G. Fishwick, RCP, Chair
Authorized Representative of the
Respiratory Care Practitioners
Governing Board